

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Gary K. Michelson

Serial No: (Divisional of 09/572,518)

Filed: October 30, 2003

For: ORTHOPEDIC IMPLANT SURFACE  
CONFIGURATION WITH A PROJECTION  
HAVING A BACK CUT

Prior Application Information:

Group Art Unit: 3738

Examiner: D. Isabella

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**CONTINUING APPLICATION TRANSMITTAL**

Transmitted herewith for filing is a ☐ Continuation ☒ Divisional ☐ Continuation-In-Part application under 37 C.F.R. § 1.53(b) of prior patent application No. 09/572,518, filed May 17, 2000.

- ☐ Applicant claims small entity status under 37 C.F.R. §§ 1.9 and 1.27.
- ☒ 38 total application pages including specification, claims (228 total and 5 independent), and abstract are enclosed.
- ☐ A newly executed Declaration and Power of Attorney ☐ is enclosed ☐ will follow.
- ☒ A copy of the Declaration and Power of Attorney from the prior application is enclosed.
- The entire disclosure of the prior application, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.
- ☒ 7 sheets of formal drawings (A4 paper; Figs. 1-24B) are enclosed.
- ☐ The prior application is assigned of record to: \_\_\_\_\_.
- ☒ The power of attorney in the prior application is to at least one of the following: MARTIN & FERRARO, LLP; Thomas H. Martin, Reg. No. 34,383; Amedeo F. Ferraro, Reg. No. 37,129; and Todd M. Martin, Reg. No. 42,844.
- ☒ The power appears in the original Declaration of the prior application.
- ☐ Since the power does not appear in the original Declaration, a copy of the power in the prior application is enclosed.
- ☐ A certified copy of \_\_\_\_\_ Patent Application No. \_\_\_\_\_ filed \_\_\_\_\_ from which priority is claimed under 35 U.S.C. § 119 is enclosed.
- ☒ Information Disclosure Statement (IDS) and Form PTO-1449 with 1 document are enclosed.
- ☐ Amend the specification by rewriting paragraph 1 on page 1 to read as follows:  
--This is a ☐ continuation ☐ divisional of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and claims benefit of U.S. Provisional application No. \_\_\_\_\_, filed \_\_\_\_\_, all of which are incorporated herein by reference.--.
- ☐ Cancel Claims \_\_\_\_\_.



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Gary K. Michelson )  
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Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. ET692326271US

Date of Deposit: October 30, 2003

I hereby certify that:

1. Rule 1.53(b) Continuing Application Transmittal Form (in duplicate)
2. 38 application pages including specification, claims (228 total and 5 independent), and abstract
3. Copy of Declaration and Power of Attorney from prior application
4. 7 sheets of formal drawings (A4 paper; Figs. 1-24B)
5. Information Disclosure Statement and Form PTO-1449 with 1 document
6. Check in the amount of \$4,686.00 (filing fee)
7. Self-addressed return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: October 30, 2003

  
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